

भारत का राजपत्र **The Gazette of India**

असाधारण
EXTRAORDINARY

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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 16th April, 1982:—

BILL No. 38 OF 1982

A Bill to prohibit a government servant from seeking an order of a court of law staying his transfer from one place of posting to another.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. This Act may be called the Ban on Seeking Stay (by an Order of a Court of Law) of Transfer in Government Service Act, 1982.

Short title and commencement.

(2) It shall come into force at once.

2. In this Act, "government servant" means a person appointed to a public service or post in connection with the affairs of the Union.

Definition.

3. Notwithstanding anything contained in any other law for the time being in force, no government servant shall seek an order of a court of law staying his transfer in connection with his service or post from one place of posting to another.

Government servant not to seek a stay order against transfer.

4. A government servant shall have a right to go to a court of law for seeking redressal of his grievances against his transfer after he joins duty at the place where he is transferred in connection with his service or post.

Right to go to court after joining duty on transfer.

STATEMENT OF OBJECTS AND REASONS

At present persons in government service bring stay orders from a court of law staying his transfer from one place of posting to another. This creates hindrance in the smooth running of the administration judicial or executive. In many cases important development plans of the Government are delayed or even remain unimplemented because of refusal of the government servants to join duty at a place where their services are required. It is, therefore, desirable that the government servants are prohibited from seeking an order of a court of law for staying their transfer in connection with their service from one place of posting to another. However, such a government servant should have a right to go to a court of law for seeking redressal of his grievances against his transfer after he joins duty at the place where he is transferred.

The Bill seeks to achieve the above objective.

NEW DELHI;

MOHANLAL PATEL.

December 4, 1981.

BILL No. 37 OF 1982

A Bill to provide uniform pay scales for different categories of employees in all public services.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Uniform Pay Scales Act, 1982.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.
2. For the purposes of this Act “public service” means any service connected with the affairs of the Union, Central Government enterprises, educational institutions including universities, municipal corporations, district and other boards of local self-government and any other bodies set up by the Central Government.
3. The Central Government shall make well-defined and uniform categorisation of employees of public services from the lowest to the highest levels.
4. Uniform pay scales shall be prescribed by the Central Government for different categories of employees and these shall apply to all public services.
5. (1) The Central Government shall make rules for carrying out the purposes of this Act.
(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in Session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the Session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Short title, extent and commencement.

Definition.

Uniform categories of services to be prepared.

Uniform pay scales to be enforced in all services.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

At present there are wide disparities in the pay scales of employees which vary from department to department and organisation to organisation. There are variations in the salaries of different categories of employees between Central services and services in States. The salaries of employees in municipalities, panchayats, etc. are quite low.

It is not uncommon that the monthly emoluments of Class IV employees in some public sector undertakings are more than those drawn by an engineer or a doctor employed by a municipal body.

Such variations in pay scales not only cause financial hardships for the employees but also lead to strikes and agitations for wage revisions. It is, therefore, desirable that uniform pay scales should be provided throughout the country for different categories of employees in whichever organisation they may be employed.

Hence this Bill.

NEW DELHI;
February 23, 1982.

RANJIT SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to frame rules to give effect to the provisions of the Act. These rules relate to matters of detail only. As such, the delegation of legislative power is of a normal character.

BILL NO. 36 OF 1982

A Bill to provide for equitable distribution of jobs in public services.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Limitation on Public Employment Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Short
title,
extent
and com-
mence-
ment.

2. In this Act—

(a) “family” includes spouse, unmarried children who have not attained the age of majority and who are not employed, and parents;

(b) “public employment” means employment in Central Government services, Central Government enterprises, educational institutions including universities, municipal corporations and district and other boards of local self-Government and any other bodies set up by the Central Government.

Defini-
tions.

Limita-
tion on
public
employ-
ment.

3. Public employment shall be subject to the following limitations:—

(i) not more than one member of a family shall be provided with public employment;

(ii) if any member of a family is carrying on any trade or business and is deriving substantial income from it, none of the members of that family shall hold any public employment;

(iii) if the family possesses landed or other properties, yielding substantial income, no member of that family shall be provided with public employment.

Termina-
tion of
public
employ-
ment
if a
member
of the
family
starts a
trade or
business.

4. If any member of the family of a person, who is in public employment, starts a trade or business providing substantial income, the services of the person, who is in public employment, shall be terminated.

Penalty.

5. A person who makes false declaration before his employer regarding the income of his family from family properties, business or trade shall be punishable with fine which may extend to rupees five thousand or with imprisonment for a term not exceeding six months, or with both.

Power
to make
rules.

6. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India professes to be a Socialist State but its wealth is most unevenly distributed. The policies adopted since the attainment of independence by the country have not only made the rich richer but the poor poorer. It so happens that members of a family who derive substantial income from landed and other properties and are also engaged in lucrative business, have one or more members in their families who derive income from public employment. There are large numbers of other families which do not possess any landed or other properties and their bread earners remain unemployed. The result is that while some families enjoy immense wealth, a large number of others face privations of life and remain below the poverty line.

The available jobs should be given only to those persons whose families do not derive substantial income from any source. Also, the rule of one job for one family should be followed.

Hence this Bill.

NEW DELHI;
February 23, 1982.

RANJIT SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to frame rules to give effect to the provisions of the Act. These rules will relate to matters of detail only. As such the delegation of legislative power is of a normal character.

BILL NO. 24 OF 1982

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short
Title.

1. This Act may be called the Constitution (Amendment) Act, 1982.

Substitu-
tion of
article
335.

2. For article 335 of the Constitution, the following article shall be substituted, namely:—

Claims of
Sche-
duled
Castes,
Sche-
duled
Tribes
and
Neo-
Buddhists,
to
services
and
posts.

“335. The claims of the members of the Scheduled Castes, the Scheduled Tribes and the Neo-Buddhists, formerly belonging to Scheduled Castes, shall be taken into consideration consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.”

STATEMENT OF OBJECTS AND REASONS

A large number of Scheduled Castes have been converted to Buddhism since Independence and these converts continue to suffer from social, educational and economic disabilities. It has been represented by them that the facilities in regard to services similar to that at present being granted to Scheduled Castes may also be extended to such converts.

The Government of India having carefully considered the facility of post-matric scholarships similar to that at present granted to Scheduled Castes had already decided that any person who professes the Buddhist religion and who either himself or any of whose ancestors were at any time members of a caste specified in the Schedules to the Constitution (Scheduled Castes) Orders in relation to the State/Union territory in which he resides, will be eligible for the grant of Government of India post-matric scholarship.

The Government of India has also in similar circumstances decided to grant 'National Overseas Scholarships', which are given to the Scheduled Castes/Tribes, to Neo-Buddhists, formerly belonging to Scheduled Castes. The Neo-Buddhists are also given the facility of admission to Girls Hostels under the "Centrally Sponsored Scheme of Scheduled Castes Girls Hostels". The Neo-Buddhists are also admitted to the Pre-examination Training Centres run by the Government of India for Scheduled Castes and Scheduled Tribes appearing in various competitive examinations. The voluntary organisation of an all-India nature working for Neo-Buddhists are also eligible to receive grant-in-aid under the scheme of "Grant-in-aid to Voluntary Organisations."

The Government of Maharashtra has also been giving appointments in services and posts in connection with the affairs of the State to Neo-Buddhists at par with Scheduled Castes and Scheduled Tribes.

The Government of India have, therefore, been given all the facilities and benefits to Neo-Buddhists on the ground that these converts continued to suffer from social, educational and economic disabilities. They have, however, omitted to extend the facility of employment to these Neo-Buddhists at par with Scheduled Castes and Scheduled Tribes. This amendment seeks to extend this facility.

Hence the Bill.

NEW DELHI;
February 26, 1982.

R. R. BHOLE

BILL NO. 25 OF 1982

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1982.

Substitu-
tion
of
article 17.

2. For article 17 of the Constitution, the following article shall be substituted, namely:—

Aboli-
tion
of
Untouch-
ability
and
caste
system.

“17. “Untouchability and caste system”, arising out of the traditional caste structure in India, are abolished and their practice in any form is forbidden. The enforcement of any disability arising out of untouchability and caste system, arising from traditional caste structure in India, shall be an offence punishable in accordance with law.”.

STATEMENT OF OBJECTS AND REASONS

The Constitution does not define untouchability nor it is clear what constitutes its practice in any form or a disability arising out of untouchability. It may be said that "Untouchability" means and includes subjecting a member of the Scheduled Caste or others to any discrimination, disability, suffering, restriction, liability or a condition on the ground of collusion and isolation, caste or any of them of such person or of his parents or family. Untouchability has been abolished under article 17 of the Constitution, but disability on account of the untouchability on the basis of caste still remains. The reason is that the caste under the traditional caste structure in India is still alive. Everybody belongs to one caste or the other and the untouchability is the result of the caste structure in India. Untouchability, therefore, can be effectively abolished only if the caste system is abolished. Unless and until the caste system is abolished, untouchability cannot be effectively abolished. Having regard to these circumstances, this amendment is considered necessary.

The Bill seeks to achieve the above objective.

NEW DELHI;
February 26, 1982.

R. R. BHOLE

BILL NO. 28 OF 1982

A Bill further to amend the Protection of Civil Rights Act, 1955.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Protection of Civil Rights (Amendment) Act, 1982.

Amend-
ment of
section
10.

2. In section 10 of the Protection of Civil Rights Act, 1955 (hereinafter referred to as the principal Act), the *Explanation* shall be renumbered as *Explanation 1* and after that *Explanation* as so renumbered, the following *Explanation* shall be inserted, namely:—

22 of 1955.

“Explanation 2.—Any appointing authority in relation to any service or post in connection with the affairs of—

(a) the Union or any State Government;

(b) any corporation or undertaking owned or controlled by the Central or State Government or by both;

(c) any authority or body established by any Central or State Act;

(d) any local authority;

which shows any negligence in giving effect to the orders of the appropriate authority relating to the reservation of posts for the employment of the members of the Scheduled Castes shall be deemed to have abetted an offence punishable under this Act.”.

Insertion
of new
section
15A.

3. Section 15A of the principal Act shall be renumbered as section 15B and before that section as so renumbered, the following section shall be inserted, namely:—

Review
of Hindu
scriptures
and
other
religious
texts/
books.

“15A. For practical realisation and enforcement of the basic provisions of this Act, the Central Government shall take such measures as may be necessary for reviewing the Hindu scriptures and other religious texts/books with a view to identify the basic tenets and teachings and lay bare the outmoded and anti-social traditions and practices, and to introduce fresh interpretations in the light of our accepted Constitutional principles and modern values.”.

STATEMENT OF OBJECTS AND REASONS

The main objects and reasons behind this Bill are to plug the loopholes and make the provisions of the Protection of Civil Rights Act, 1955, more effective. The problem of untouchability is so complex and deep-rooted that the conflicts and prejudices created in the minds of the authorities result in intensifying the class struggle and perpetuate their class rule. The traditional caste structure in India is a big barrier for the implementation of the provisions of the Protection of Civil Rights Act, 1955. It is with this end in view that it is proposed to insert in the existing Act Explanation 2 to section 10 as well as a new section 15A.

Untouchability is deep rooted in the existing culture based on social and economic exploitation. This social and economic exploitation is also preached in the old Hindu scriptures and other religious books. In the struggle, the State cannot be a passive onlooker otherwise the political leadership, the administrative machinery and the judicial courts are all responsible for the perpetuation of the crime. The abolition of untouchability in this context will be possible only if it is rooted out from the existing culture and traditional practices by the caste structure in India.

The Bill seeks to achieve the above object.

NEW DELHI;
February 26, 1982.

R. R. BHOLE

BILL No. 29 OF 1982

A Bill to provide for small family promotion and motivation and other measures for population control.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short
title
and
com-
mence-
ment.

1. (1) This Act may be called the Population Control (Small Family Promotion and Motivation) Act, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Defini-
tions.

2. In this Act, unless the context otherwise requires

(a) "operation" means an operation for the purpose of birth control;

(b) "person" means a male or female who is married;

(c) "small family" means a family consisting of husband, wife and not more than two children, male or female, at any given time.

3. Every person, who undergoes an operation after having two children, shall be given by the Government the following incentives, namely:—

(a) cash reward as may be prescribed by the Government but which shall not be less than one thousand rupees:

Provided that where a person undergoes an operation after having one child, he/she shall be given a cash reward of not less than two thousand five hundred rupees:

Provided further that the incentive available under the preceding proviso shall not be granted to a Government servant or his/her spouse, who are entitled to additional incentives under sub-section (1) of section 5;

(b) suitable employment, if the person is unemployed;

(c) free education to his children upto the senior secondary stage including supply of books, exercise books and uniforms free of any charge;

(d) allotment of a plot of land for building a house or a built-up house on priority basis;

(e) grant of loan for building a house or purchasing a built-up house.

4. Where a Government servant or his/her spouse undergoes an operation after having two children, he/she shall, in addition to the incentives provided for in section 3, shall be given the following incentives, namely:—

(a) two advance increments with effect from the first day of the calendar month in which the Government servant or his/her spouse undergoes the operation;

(b) allotment of Government accommodation within a period of six months from the date of the operation.

5. (1) Where a Government servant or his/her spouse undergoes an operation after having one child, the Government servant shall, in addition to the incentives given under sections 3 and 4, be given out of turn promotion to the next higher post.

(2) One after every five posts in every grade of posts in Government service shall be reserved for promotion of such Government servants as specified in sub-section (1).

6. (1) There shall be established Small Family-cum-Child Care Centres, hereinafter called the Centre, by the Government for every five thousand of population in rural areas and for every twenty-five thousand of population in urban areas.

(2) The Centres shall guide the married persons in the use of preventive methods of birth control and provide them with suitable birth control devices free of any charge.

(3) There shall be made adequate arrangements at every Centre for carrying out birth control operations, post-operation care of the persons

Incentives for birth control operation.

Additional incentives to Government servants.

Additional incentives to Government servants who undergo operation after one child. Establishment of Small Family-cum-Child Care Centres.

who undergo operation and supply of necessary medicines to them free of any charge.

(4) There shall be made adequate arrangements at every Centre for providing complete medical care to the children upto the age of five years free of any charge.

(5) The Government shall take suitable steps to attract the people in rural areas to attend the Centres and avail of the facilities at the Centres.

Publicity to provisions of Act.

7. (1) The Government shall give effective and regular publicity to the provisions of this Act and the advantages of a small and planned family.

(2) The publicity shall be made through various official and non-official mass publicity media including newspapers, magazines, radio, television, cinema, mobile film units, exhibitions, etc.

(3) The Government shall take suitable steps to attract the people in rural areas to attend the family planning publicity programmes.

STATEMENT OF OBJECTS AND REASONS

The most crucial problem facing the country at present is the population problem. The population of India is a growing phenomenon and to check its growth it is necessary that the problem should be tackled at all levels. During the last 30 years between 1951 to 1981, while the Gross National Product has increased by 50 per cent., the population has exploded by 108 per cent. Unless speedy and concrete measures are taken to tackle the Malthusian horror, the country will be faced with an alarming situation during this decade and then it would be well nigh impossible to retrieve the situation. All governmental efforts on the economic front and the additional resources created thereby have been sapped by the increasing population and have not resulted in any tangible benefits to the common man. It is, therefore, of paramount importance that the Government should take every step to check the growth of population in the country with a view to achieving rapid economic progress and raising the standard of living of people. The States should lay down the norms of small family and provide incentives, both monetary and material, to those who practise family planning and adopt small family norms. Preference should be given to such persons in the matter of increments and promotions in Government service, advancement of loans, allotment of land or build-up houses, giving of educational facilities or other financial assistance to motivate the people to practise small family norms. It is also proposed to give wide publicity to the steps to be taken by the Government in this direction.

Hence this Bill.

NEW DELHI;
March 1, 1982.

KRUPASINDHU BHOI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of cash rewards to those who undergo birth control operation after having one or two children, suitable employment to those of such persons who are unemployed, free education to their children, including free supply of books, uniforms, etc. and grant of house building loan. Clause 4 provides for two advance increments and allotment of Government accommodation to such persons who are Government servant. Clause 6 provides for establishment of Small Family-cum-Child Care Centres by the Government, free arrangements at these Centres for carrying out birth control operations, post-operation care and supply of medicines free of any charge. It also provides for complete medical care to the children upto the age of five years free of any charge. Clause 7 provides for publicity by the Government to the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India on implementation of these provisions in the Union territories and at the same time towards making grants-in-aid to the States to meet a part of this expenditure. An annual recurring expenditure of about rupees one thousand crores is estimated to be incurred from the Consolidated Fund of India on this account.

A non-recurring expenditure of about rupees five hundred crores is also likely to be incurred for carrying out the purposes of the Bill.

BILL No. 42 OF 1982

A Bill to provide for prohibition on killing of cows.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Cow Slaughter Prohibition Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force at once:

Short
title,
extent
and com-
mence-
ment.

Provided that different States may make it applicable, in the territories governed by them, at different dates within six months of the passing of this Act, by notification in the State Gazette.

2. In this Act, unless anything is repugnant to the subject or context,—

Defini-
tions.

(a) "cognizable offence" shall have the same meaning as assigned to it in the Code of Criminal Procedure, 1973;

(b) "cow" includes he-calves, she-calves, bullocks and bulls,

(c) "slaughter" means killing by any means, whatsoever, for any purpose.

2 of 1974.

3. No person shall kill or cause to be killed a cow for any purpose or at any place in India.

Prohibi-
tion on
killing of
cows.

4. Any person who contravenes the provision of section 3 shall be punishable with imprisonment which may extend to ten years.

Punish-
ment.

5. An offence under this Act shall be a cognizable offence.

Offence
to be
cogniz-
able.

STATEMENT OF OBJECTS AND REASONS

"The cow is a poem of pity and a personification of innocence. She is mother to millions of Indian mankind. Protection of cow means protection of the whole of dumb creation of God", said Gandhiji. Cow is held in high esteem in India since times immemorial. It is also worshipped by the Hindus, the Sikhs, the Buddhists and the Jains. Its milk is beneficial for the children and the sick; the bullocks are used in agriculture. Hence, if cow dies, we also die together. So Pandit Nehru also said. "religion apart, emotion apart and sentiment apart, for economic reasons and for other substantial reasons, it is important for that to be preserved and for that to be improved." Even the Directive Principles of our Constitution, under article 48, enjoin upon us to prohibit the slaughter of cow and calves. Even the Supreme Court has said "the slaughter of cows for food is repugnant to their (Hindus) notions and this sentiment in the past even led to communal riots". Unlike other countries, we do not breed cow for the purpose of milk and meat. Our civilization is fundamentally different.

Hence from political, constitutional, economic, social, religious and humanitarian outlook, slaughter of cow should be stopped forthwith.

NEW DELHI;
March 3, 1982.

MOTIBHAI R. CHAUDHARI

BILL No. 46 OF 1982

A Bill to amend the Payment of Gratuity Act, 1972.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Gratuity (Amendment) Act, 1982.

Short
title.
extent
and com-
mence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

39 of 1972.

2. In section 1 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act), in sub-section (2), in the proviso, the words "Plantations or" shall be omitted and shall be deemed to have always been omitted.

Amend-
ment of
section 1.

3. In section 2 of the principal Act,—

(i) in clause (c), in Explanation I, the words and figures "for not less than—

Amend-
ment of
Section 2.

(i) 190 days, if employed below the ground in a mine, or (ii) 240 days, in any other case," shall be omitted and shall always be deemed to have been omitted;

(ii) for clause (e), the following clause shall be substituted, namely:—

“(e) “employee” means any person (other than an apprentice) employed on wages, not exceeding one thousand five hundred rupees per mensem, in any establishment, factory, mine, oilfield, plantation, port, railway company or shop, to do any skilled, semi-skilled, or unskilled, manual, supervisory, technical or clerical work, whether the terms of such employment are express or implied, but does not include any such person who holds a civil post under the Central Government or a State Government or who is subject to the Air Force Act, 1950, the Army Act, 1950 or the Navy Act, 1957.

45 of 1950.
46 of 1950.
62 of 1957,

Explanation.—In the case of an employee, who having been employed for a period of not less than five years on wages not exceeding one thousand five hundred rupees per mensem, is employed at any time thereafter on wages exceeding one thousand five hundred rupees per mensem, gratuity, in respect of the period during which such employee was employed on wages not exceeding one thousand five hundred rupees per mensem, shall be determined on the basis of the wages received by him during that period;”.

Amend-
ment of
section 4.

4. In section 4 of the principal Act,—

(i) in sub-section (2), in the first proviso, the words “and, for this purpose, the wages paid for any overtime work shall not be taken into account” shall be omitted;

(ii) in sub-section (2), in the second proviso, for the words “seven days’ wages”, the words “fifteen days’ wages” shall be substituted;

(iii) in sub-section (2), after the second proviso, the following *Explanation* shall be inserted and shall be deemed to have always been inserted, namely:—

“*Explanation.*—The fifteen days’ wages shall be payable as gratuity to an employee, for every year of service, irrespective of his nature of employment whether monthly rated or daily rated.”;

(iv) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The amount of gratuity payable to an employee shall not be less than seventy-five days’ wages and not more than twenty months’ wages or six hundred days’ wages, whichever is higher.”.

STATEMENT OF OBJECTS AND REASONS

The Payment of Gratuity Act, 1972, during its actual implementation, has revealed many loopholes which are disadvantageous to the employees. The present Bill is intended to plug these loopholes.

Hence this Bill.

NEW DELHI;
March 4, 1982,

K. RAMAMURTHY

FINANCIAL MEMORANDUM

Clause 3 of the Bill amends the definitions of terms "continuous service" and "employee" so as to raise the limit of wages from rupees one thousand to rupees one thousand five hundred, thus bringing more employees under the purview of the Payment of Gratuity Act, 1972, and at the same time to enhance the quantum of gratuity payable in some cases. Clause 4 provides for (i) taking into account wages paid for over-time work for the purpose of computing the amount of gratuity payable to piece rated employees; (ii) raising the rate of gratuity payable to employees of seasonal establishments from seven days' wages to fifteen days' wages; and payment of a minimum of seventy-five days' wages as gratuity. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five lakhs per annum.

No non-recurring expenditure is likely to be involved.

BILL No. 26 OF 1982

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short
title,

1. This Act may be called the Constitution (Amendment) Act, 1982.

Amend-
ment of
Eighth
Sche-
dule.

2. In the Eighth Schedule to the Constitution, entries 10 to 15 shall be renumbered as entries 11 to 16 respectively, and before entry 11 as so renumbered, the entry "10. Pahari (Garhwali, Kumaoni, Himachali and Dogri)." shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Pahari language is spoken by a large number of people residing mainly in the hilly areas of North and North Eastern regions of the country such as Himachal Pradesh, Jammu, Kumaon and Garhwal regions of U.P. and other isolated hilly areas.

This language, being the language of the masses, has already been recognised by the universities of Jammu and Kashmir, Himachal, Kumaon and Garhwal. The language has its own script and vast literature. Lot of research work has already been done in the Pahari language. More than one crore people, scattered all over India, are using this language for their day to day work both for writing and speaking. This language needs its due recognition by Constitution.

To give respect to the feelings of such large community it should be included in the Eighth Schedule to the Constitution.

This Bill seeks to achieve this objective.

NEW DELHI;
February 24, 1982.

HARISH RAWAT

AVTAR SINGH RIKHY,
Secretary.

